

# READER

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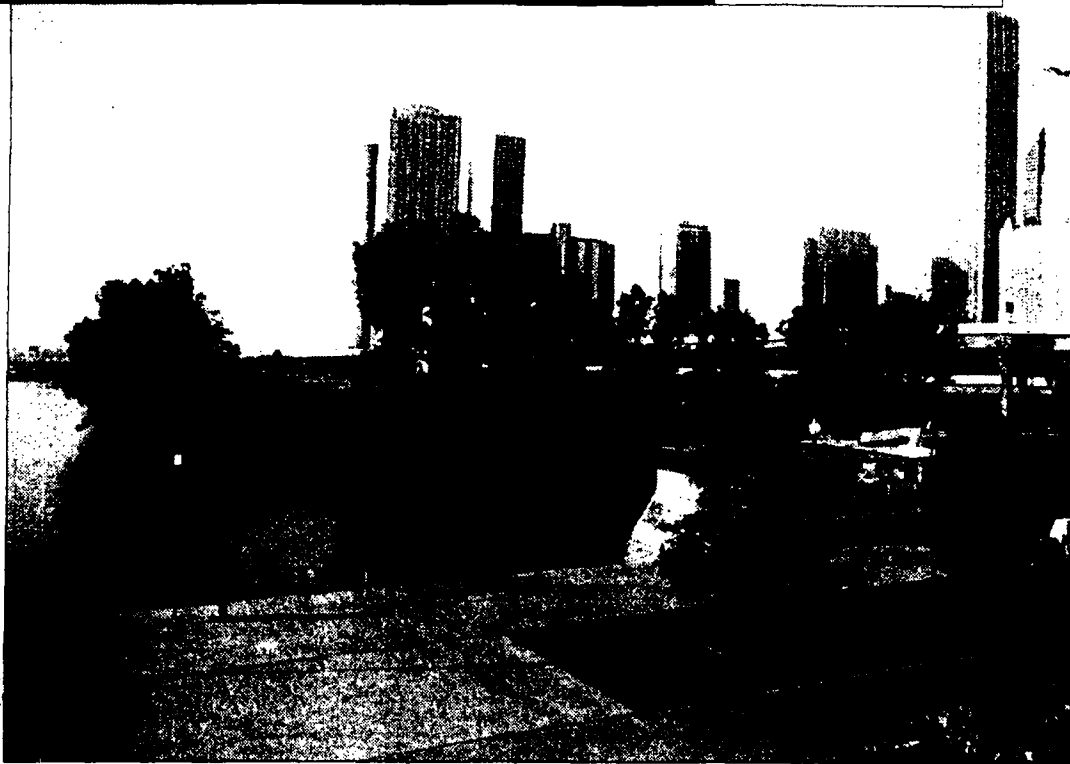
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PHOTO/ROBERT DREA

## This Land Is Whose Land?

*The Uncertain Future of a Prime Patch of Undeveloped Lakeshore Real Estate*

BY CARA JEPSEN

**F**or years Laurie Palmer rode her bicycle to the School of the Art Institute, passing along the way a vacant, overgrown meadow on the lakefront just south of Navy Pier. Last summer she finally stopped to inspect it up close. Bordered by Ogden Slip to the north, Lake Michigan to the east, the Chicago River to the south, the three and a half acres of fenced-in landfill were covered with trees, thistles, bladder campion, Shasta daisies, Queen Anne's lace, and other wildflowers.

"I had this plan that I was going to make yellow dye from goldenrod I saw there," recalls Palmer, an assistant professor of sculpture at the school and a member of the artists' collective Haha. Hoping to explore the tract, she visited the Cook County Recorder of Deeds to find out who owned it, but to locate a title she needed a street address, and there wasn't any. The maps department couldn't help her. "The meadow was represented as a blank spot—no signs, numbers, names, nothing, unlike all the other properties around it," she writes on her Web page ([www.artic.edu/~apalme](http://www.artic.edu/~apalme)). "The clerk smiled.... He said this is unusual, it appears that no one owns that land."

Palmer rode to the end of North

Water Street, locked her bicycle, and trailed a construction worker from the adjacent condominium development through a gate and down some concrete steps to the meadow, passing lurid graffiti and a couple of people smoking pot. The meadow grass was eight feet tall, "sweet-smelling but impenetrable.... After only a few steps I could no longer move." A path strewn with empty beer cans led down to a clearing by the lake, and Palmer stood there for a few minutes, "not wanting to sit down in what felt more like a trap than a refuge." When she climbed back up the steps the potheads were gone and the gate had been padlocked from the outside. She escaped through a gap in the fence.

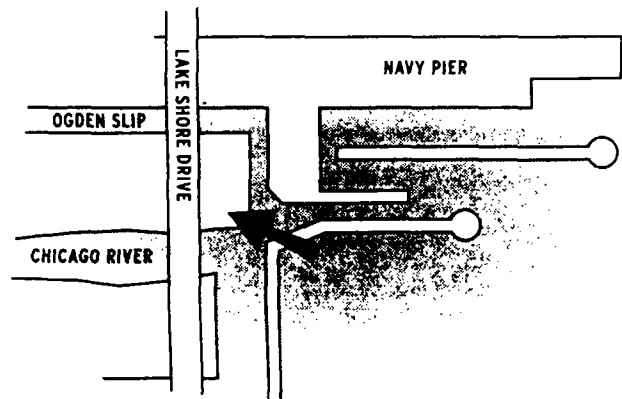
A short time later she learned the history of the land: since the 1850s it had been owned by the Chicago Dock and Canal Trust, which in 1987 had been absorbed by developer Daniel McLean's MCL Companies, owner of many offices and condos nearby. MCL gave the parcel to the Chicago Park District, pledging to reimburse it for \$600,000 in development costs, and Mayor Harold Washington dedicated the land as a park in honor of Jean Baptiste Pointe DuSable, the French-Haitian explorer and trader who built a settlement and trading post at the mouth of the Chicago River in the 1770s.

The park was never built, and the Park District had decided to pave it over as a temporary parking lot (the gravel area just east of North Water Street was already being used for parking by MCL construction workers). After two years the money raised from parking fees was to fund the park's completion. Palmer couldn't see it happening. "You lay

I'd better look into it—that they were trying to build a parking lot. Right away I started convening meetings." The council weighed in on the issue, as did Friends of the Parks, Friends of the Chicago River, Friends of DuSable Park, the Streeterville Organization of Active Residents, the Haitian Physicians of America, and the Chicago DuSable League, which has been lobbying for a monument to honor the city's founder since 1928. The meetings spawned the DuSable Park Coalition, which pointed out to the Park District that the 1972 Lakefront Protection Ordinance prohibits commercial development east of Lake Shore Drive. The Park District claimed it could get a dispensation if the lot were temporary, but in September 2000 the plan was put on hold.

Palmer—who's also a housing activist with the Community of Uptown Residents for Affordability and Justice—couldn't understand why the land had been unmarked, unkempt, and inaccessible for so long. "I was interested in the contradictions it seemed to contain," she says. "It was so lush with growth in such a tightly controlled and contained city. But then as I learned more, the contradictions of public and private ownership... got really interesting. I was also interested in how it related to Chicago's racial, split-city dynamics."

She kept digging and discovered that in the early 19th century the land, like Streeterville itself, had been underwater. At some point a newly installed lighthouse jetty altered the lake currents, which began to deposit sandy soil and eventually moved the mouth of the Chicago River east, creating more land. "It was newfound real estate," says Palmer. "It didn't belong to anybody." The parcel was probably once a part of the Sands, the waterfront vice district.



down asphalt and build berms and deposit antifreeze and gas for X number of years, and you have the idea that you're going to someday take it away and return it to a park? Nobody believed it would be temporary."

Bob O'Neill, president of the Grant Park Advisory Council, recalls that in July 2000 he received "an anonymous

The Illinois legislature, prodded by lawyer and lobbyist Abraham Lincoln, created the Chicago Dock and Canal Trust to control construction along the 40-acre harbor area. By that time two different parties had claimed ownership of the new land, and the CDCT struck a deal with one of them for its purchase.

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"When the other one said, 'Oh no, that's my land,' with Abe Lincoln's help they went to court and proved that they had bought it from the rightful owner—although how they could prove that is unclear to me. What's interesting to me in that whole story is, how does private property begin? It's all so arbitrary. That's a huge part of why I was interested in this land, too. Because when I went to the deed place, they said no one owns it."

In the late 1800s the CDCT dug Ogden Ship as a waterway between the Lake and the railroads at North Pier, in the process creating the 3.5-acre plot. In 1961 the trust sold it to a home developer, but it was saved by the Lakefront Protection Act eight years later and eventually reverted back to the trust, which hung on to it until the mid 80s. Until fall 2000 the park was off limits to the public. "Once the coalition started meeting with the Park District, there was a lot more attention put on the park," says Palmer. "They realized it was public land and that they had to open the gates."



Laurie Palmer

PHOTO/ROBERT DREA

During her research Palmer came up with the idea of inviting people from different backgrounds to create hypothetical plans for DuSable Park, which would then be exhibited and published in book form. Last fall she put out a call for submissions and established an "orientation center" at Temporary Services Gallery, with maps, articles, videos, housing statistics, and images explaining the history of the park.

Most of the early proposals came from "a pretty specialized art crowd," so last winter Palmer sent out a mass mailing to open lands and housing activist groups, placed an ad in *Streetwise*, E-mailed a chain letter to people she thought might be interested, and expanded her Web site. Responses poured in from all over the world. "A

lot of people didn't understand it was not a regular architecture contest," she says. Her Web site explains, "This project is not affiliated with the Chicago Park District or the City of Chicago, and there is no obligation to implement any of the proposals. . . . [The] site presents an irresistible temptation to imagine what *could* be there."

The end result, "3 Acres on the Lake: DuSable Park Proposal Project," will be on display through October 19 at Gallery 312, and at 2 PM on Saturday, October 13, project participants will take part in an open forum. Palmer hopes to discuss the park's future, as well as the 150-page color catalog she's planning. She's been awarded a \$10,000 matching funds grant from the Richard H. Driehaus Foundation,

and if she can line up another \$10,000, the "3 Acres on the Lake" book will appear sometime next year. "Maybe having them all out there will put more pressure on the Park District," she says.

Most of the 65 proposals on display are from Chicago, but some have come from as far away as India, Germany, and Australia. They range from the straightforward to the fanciful, from digital models by professional architects to handwritten letters on yellow legal pads, from watercolor drawings to three-dimensional models, from handmade books to large-scale installation projects (including a monument to the DuSable League). The gallery space is dominated by 12-foot letters spelling out the words "High Rise Land Fill." The letters are made

out of garbage that's meant to be from MCL's nearby developments: newspapers in blue bags, bottle caps, Styrofoam containers, cardboard, clothes.

"The Romantic Painter's Retirement Home and School of Art at Hopeless Point" is an intricately detailed model of a frigate run aground at DuSable Park, where the dying can look out over the lake. Latino youth from the Stockyard Institute proposed a garden and hospice for "those in life crisis and no one to look after them." There's a Speakers Island "for people who want to be heard," a Camp DuSable whose 40 campsites would bring in \$800 a day, and a detailed model of a bird sanctuary. Artist Gretchen Brown built hedges on wheels, a satirical comment on urban greenery ("Since the birth of the industrial revolution the public land preservationists have been fighting

a losing battle against commercial developers. The survival of 21st Century parks and gardens will depend on their ability to be mobile"). A handwritten proposal suggests that "We could ask Oprah to have her boyfriend (Stetson?) propose to her on the mound so that Chicagoans would be inclined to protect and leave untouched this piece of land."

The Chicago DuSable League's proposal is a simple statement that by 2003 it would like the city to "erect a statue in the likeness" of DuSable. That phrasing is critical: for more than a decade the league has been fighting the city's plan to erect on the park site a sculpture in honor of DuSable by abstract artist Martin Puryear. An African-American and a former Chicagoan,

Puryear was commissioned to create the work in the late 80s, sponsored by the Park District and the School of the Art Institute's B.F. Ferguson Fund for public sculpture. For years his design was a closely guarded secret, and the league made it known that they preferred something representational, the same sort of statuary that honors the city's other great men.

Palmer asked Donald Young Gallery, which represents Puryear, to submit a proposal for the show, but the gallery declined. On July 12, Puryear unveiled two models for an invitation-only group (including members of the Chicago DuSable League and Friends of the Parks), but neither his design nor the Park District's plan for DuSable Park has been made public. In his proposal Puryear says his 13-foot monument will include a nine-foot figure of DuSable: "On the flat face a relief of an imagined du Sable would be carved, oriented to greet the arriving visitor. Although representational and unmistakable as to ethnicity, this image would not pretend to be a likeness of du Sable, since to my knowledge no portraits from the life of du Sable are known to exist."

(We may know more about DuSable soon: the Chicago-based African Scientific Research Institute has organized the DuSable Archaeological Grave Site Project, which will take place October 17 to 19 at the Field Museum, a symposium that will bring together historians, archaeologists, anthropologists, and forensic scientists. The institute has floated the idea of retrieving the pioneer's skull from his grave in Saint Charles, Missouri, in order to reconstruct his face and of using DNA mapping from a lock of his hair to determine his ethnic origin.)

"We're at the point where the Park District and the Art Institute have to make a decision about when to go public," says Donald Young of the Puryear design. "They're speaking with the DuSable League. It's got to be

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and found radioactive thorium in the soil. According to the EPA, the likely source of the radioactive material is the old Lindsay Light Chemical Company, which was located at 161 E. Grand. In the 1920s and '30s the company extracted thorium-232 from monazite ore to be used in its incandescent gas mantles. After 1933 the company moved to West Chicago, which also has contaminated sites, and in 1958 it was bought by American Potash & Chemical Corporation, which became part of Kerr-McGee Corporation nine years later. Since real estate development prompted testing in 1993, three Lindsay Light sites in the area (including one in adjacent River East) have proved to be contaminated; they're Superfund sites, though they do not appear on the EPA's national priorities list.

"So much of Streeterville has been contaminated with it over the years, I can't believe they didn't already know," says Palmer. The one thing everyone agrees on is that the hill dominating the park is a landfill. "The Park District is saying that because of the thorium they can't go ahead and do anything, that it needs to be dealt with and by people who are responsible for contaminating it. The Park District won't take that expense on."

Earlier this year the Park District

promised to release its plan for the park once it determines the cost of cleaning up the site, but no one seems to know when that will happen. The EPA is still awaiting a cleanup plan from Kerr-McGee. "We've identified places we want to look at more closely," says EPA spokesman Mick Hans. "The EPA is not saying you can't have a park there. What the EPA is saying is that we know there's some contamination. But we don't know how much. If you're going to put a park there, now is the time to address it."

For a while the land had been open to the public, but this past July the city erected a permanent fence around it. "I talked to the EPA guy who did the initial testing," says Palmer. "He said it's fine to go there unless you get down

and got a handful of dirt and put it in your mouth." She had a friend inspect the site with a Geiger counter, and he found nothing, though the EPA says *the machine is not sensitive enough* to detect the thorium. At the end of September she led a tour of the park in conjunction with the Gallery 312 exhibit. About two dozen people met at Navy Pier and walked over to a grassy area across from the park, between Ogden Slip and Lake Point Tower. Some made jokes about whether the lawn they sat on was contaminated. "My proposal to you is to send your proposals to the Park District," Palmer told them. "If you don't deluge them, at least feed them."

The Park District itself never sent Palmer a proposal for the project. "I

Last year the Chicago DuSable League invited a Native American woman to bless the site of the future park. "The first thing that came out of her mouth is 'There is something wrong here,'" recalls Linda Wheeler, a member of the league. "She didn't see any insects."

Something was wrong. Last winter the EPA did some initial testing of the park site with a gamma survey meter

and got a handful of dirt and put it in your mouth." She had a friend inspect the site with a Geiger counter, and he found nothing, though the EPA says *the machine is not sensitive enough* to detect the thorium. At the end of September she led a tour of the park in conjunction with the Gallery 312 exhibit. About two dozen people met at Navy Pier and walked over to a grassy area across from the park, between Ogden Slip and Lake Point Tower. Some made jokes about whether the lawn they sat on was contaminated. "My proposal to you is to send your proposals to the Park District," Palmer told them. "If you don't deluge them, at least feed them."

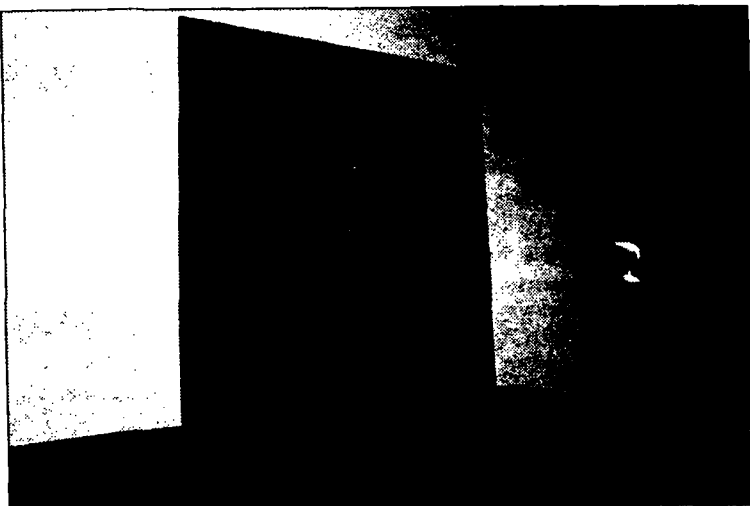
want the Park District and the city to respond and to include people's voices in the creation of the park," says Palmer. "It really does have the potential to be an important symbolic link to minority communities—to feel like they have a foothold on the lake. The Park District not doing that has become a slap in the face, as opposed to benign neglect."

Bob O'Neill thinks the Park District should pay attention. "I've been involved in urban and civic issues for 20 years, and I've noticed that public input is not easy. But if you don't do it, you make mistakes that take a long time to correct." He thinks the park is "so visible and so unsightly and contaminated, it would seem like it would be a priority. They're already building a boathouse; the marine safety center may get a new building, and the park is also right within the mouth of the Chicago River, on the lake. We're pushing for it full force."

There's still the question of funding. The \$600,000 that MCL pledged to the city back in 1987 will supposedly pay for extending the river walk along the park (though the company's press agent did not return phone calls requesting comment). O'Neill says his group feels obligated to find donors for the park project, since it helped to shoot down the parking lot scheme. "It's a very strange issue in that this has been going on at least since 1987," he says. "I know there are obvious finan-

cial restraints. A report says it will cost \$2.5 million to rebuild the seawall that contains the park. It'll probably be another \$2.5 million to redo the park. So a really good park will be at least \$5 million." He says he's spoken to private donors and to the Metropolitan Pier and Exposition Authority, which runs Navy Pier and maintains part of Jane Addams Park just north of it. "We need a lot of money to do this, and the [MPEA] has a lot of money."

Palmer has her own theory about why the park is still the overgrown patch she pulled up to last summer. Earlier this year she was going through a stack of Park District documents she'd obtained through a Freedom of Information Act request when she noticed a quitclaim deed from 1988. It stated that in 20 years the park's previous owner—MCL—could buy back the park at 50 percent of fair-market value if, among other things, "the Park District determines that the respective Parcel is surplus and no longer needed for public park purposes." MCL also had the option to lease a "portion of the Subject Parcel" and operate a restaurant and bar there. "My suspicion is that there are plans for that land that we aren't going to know about until it happens." At the same time, though, "It's on the books as being dedicated to DuSable Park. It'd be difficult for them to find a way out of that."



DuSable Park Project Proposal by Martin Puryear

PHOTO COURTESY DONALD YOUNG GALLERY